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PATENT  
Docket No. 20344-20257.01

#29  
11-7-96  
J. D. Sherrill

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on April 17, 1996.

*Jennifer L. Taylor*  
Jennifer L. Taylor

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Maassab and Herlocher

Serial No.: 08/573,569

Filing Date: 14 December 1995

For: COLD-ADAPTED INFLUENZA VIRUS

Group Art Unit: 1806

ch: Brande  
white  
3/14/96

**TRANSMITTAL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

Verified Statements (Small Entity) for the above-identified application and postcard  
receipt.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to **Deposit Account No. 03-1952.**

Dated: April 17, 1996

Respectfully submitted,

By:   
Antoinette F. Konski  
Registration No. 34,202

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Applicant/Patentee: Hunein F. Maassab and Martha L. Herlocher  
Serial No./Patent No.: 08/573,569  
Filed on/Issued: December 14, 1995  
Title: COLD-ADAPTED INFLUENZA VIRUS

Docket No.: 20344-20257.01



**VERIFIED STATEMENT CLAIMING SMALL ENTITY  
STATUS 37 C.F.R. § 1.9(f) AND § 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the non-profit organization identified below:

Name of nonprofit organization: The Regents of the University of Michigan

Address of nonprofit organization: Wolverine Tower, Room 2071, 3003 S. State Street, Ann Arbor, MI 48109-1280

Type of nonprofit organization:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under a statute of a state of the United States of America  
Name of state: \*  
Citation of statute: \*  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in the United States of America  
☐ Would qualify as nonprofit scientific or educational organization under a statute of a state of the United States of America if located in the United States of America  
Name of state: \*  
Citation of statute: \*

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled COLD-ADAPTED INFLUENZA VIRUS inventor(s) Hunein F. Maassab and Martha L. Herlocher described in:

- ☐ the specification filed herewith.  
☒ application serial no. 08/573,569, filed December 14, 1995.  
☐ patent no. \*, issued \*.

I hereby declare that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements answering to their status as small entities and that no rights to the invention are held by any person other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a non-profit organization under 37 § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern or organization exists.  
☒ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
Aviron	297 North Bernardo Avenue Mountain View, CA 94043	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING: 297 North Bernardo Avenue, Mountain View, CA 94043

SIGNATURE: \_\_\_\_\_

DATE: April 8, 1996

J. Leighton Read, M.D.  
Chairman and CEO  
Aviron

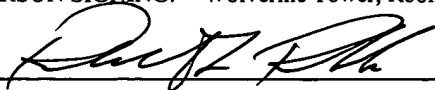
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Robert L. Robb

TITLE IN ORGANIZATION OF PERSON SIGNING: Director, Technology Management Office

ADDRESS OF PERSON SIGNING: Wolverine Tower, Room 2071, 3003 S. State Street, Ann Arbor, MI 48109-1280

SIGNATURE: \_\_\_\_\_



DATE: \_\_\_\_\_

3-27-96

Applicant/Patentee: Hunein F. Maassab and Martha L. Herlocher

Docket No.: 20344-20257.01

Serial No./Patent No.: 08/573,569

Filed on/Issued : December 14, 1995

For: COLD-ADAPTED INFLUENZA VIRUS

**VERIFIED STATEMENT CLAIMING SMALLENTITY STATUS  
37 C.F.R. §§ 1.9(f) AND 1.27(c) – SMALL BUSINESS CONCERN**

We hereby declare that we are

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Aviron

ADDRESS OF CONCERN: 297 North Bernardo Avenue, Mountain View, CA 94043

We hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

We hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled COLD-ADAPTED INFLUENZA VIRUS by inventor(s) Hunein F. Maassab and Marth L. Herlocher described in

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d), or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
The Regents of The University of Michigan	Wolverine Tower, Room 2071 3003 S. State Street Ann Arbor, MI 48109-1280	<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input checked="" type="checkbox"/> Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

We acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))